



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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October 31, 2002

**CERTIFIED MAIL**

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**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**

**No. WMD 02-26**

Mr. David Bonisteel, General Manager  
Lewis and Saunders, Inc.  
93 Lexington Drive  
Laconia, NH 03247

**RE: Lewis and Saunders, Inc. Laconia, New Hampshire  
EPA ID No. NHD 001083609**

Dear Mr. Bonisteel

On February 28, 2002, the Department of Environmental Services (DES) conducted an inspection of Lewis and Saunders, Inc. (Lewis and Saunders). The purpose of the inspection was to determine Lewis and Saunders's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

**Env-Wm 353.04 (r)(1) – Limited Permit Requirements**

At the time of the inspection, the permit for treatment of hazardous waste, #HW-PBR-92-028 for the facility had expired.

Env-Wm 353.04 (r)(1) requires that facilities apply for permit renewal 90 days prior to the limited permit expiration date.

DES requests that Lewis and Saunders submit a request for the renewal of permit #HW-PBR-92-028

*DES acknowledges receipt of the request for permit renewal dated June 18, 2002. No further action is required.*

**2 Env-Wm 502.01 – Hazardous Waste Determination**

At the time of the inspection, Lewis and Saunders had not conducted hazardous waste determinations for the mopwater; the baghouse dust from Deburr, First Cut, Polish Room, PWC, Tool Room, Volvo, Small Cell, Medium Cell and Large Cell; the Brulin wastewater from the First Cut Area; the sludge from the ultrafiltration unit; and the cutting fluid (Syntilo) from the Machining Area.

Env-Wm 502.01 requires a generator of a waste to determine if their waste is a hazardous waste.

DES requests that Lewis and Saunders test representative samples of the mopwater; the baghouse dust from Deburr, First Cut, Polish Room, PWC, Tool Room, Volvo, Small Cell, Medium Cell and Large Cell; the Brulin wastewater from the First Cut Area; the sludge from the ultrafiltration unit; and the cutting fluid (Syntilo) from the Machining Area. These analyses should include, at a minimum, RCRA metals (including chromium) using the Toxicity Characteristic Leaching Procedure (TCLP) found in "Test Methods for Evaluating Solid Wastes, SW-846". If the results of this testing indicate that the wastes are hazardous, Lewis and Saunders must ensure that the wastes are managed in accordance with Env-Wm 500 of the New Hampshire Hazardous Waste Rules, and are disposed of at a permitted facility authorized to handle hazardous waste.

*DES acknowledges receipt of the results of the hazardous waste determinations. No further action is required.*

3. Env-Wm 507.01(a)(3) - Storage Requirements

At the time of the inspection, one (1) 10-gallon container of "Hach D004 Waste Arsenic Containing Material" and one (1) 2-quart container of waste in the Bench Top pH Test Area, and one (1) 55-gallon container of isopropyl alcohol in the Clean Room were not closed. (See hazardous waste container inventory).

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requests that Lewis and Saunders ensure that containers storing hazardous wastes be closed at all times, except to add or remove waste from the containers.

4. Env-Wm 507.02 (a) – Storage Time Requirements

At the time of the inspection, one (1) 55-gallon container of "Spent Alcohol" in the Outdoor Storage Shed had a marked date of accumulation of "9/29/01" (152 days).

Env-Wm 507.02 (a) requires that hazardous wastes are shipped off-site within 90 days of the day of when the accumulation first began, except as provided in Env-Wm 508.02, Env-Wm 508.03, and Env-Wm 509.03

DES requests Lewis and Saunders to ensure that all hazardous waste is shipped off-site within a period of ninety (90) days or less, unless the hazardous waste is managed under the Satellite Storage Provision of Env-Wm 509.03. Please be reminded that the Satellite Storage Provision allows as much as 55 gallons of hazardous waste to be accumulated in containers at or near the point of generation of the waste without complying with the 90 day time limit.

5 Env-Wm 507.03(a)(1)a. – Marking

At the time of the inspection, one (1) 20-gallon container of acetone in the Fuel Oil Storage Vault, and the entire contents of the Cart in the Main Storage Area (25 containers) did not have a beginning accumulation date (see container inventory).

Env-Wm 507.03(a)(1)a. requires that all containers used for the storage of hazardous waste be marked with the beginning accumulation date.

DES requests that Lewis and Saunders ensure that all containers used for the storage of hazardous waste be marked with the date of accumulation at the time they are first used to store hazardous waste.

6. Env-Wm 507.03(a)(1)b and d.- Marking

At the time of the inspection, the one (1) 20-gallon container of acetone in the Fuel Oil Storage Vault, the Cart in the Main Storage Area (25 containers), the one (1) 2-quart container of waste in the Bench Top pH Test Area and the one (1) 55-gallon container of isopropyl alcohol in the Clean Room and were not marked with the words “Hazardous Waste”. At the time of the inspection, one (1) 55-gallon container of “Shred Flamm” in the Main Storage Area, the one (1) 20-gallon container of acetone in the Fuel Oil Storage Vault and the Cart in the Main Storage Area (25 containers) were not marked with an EPA or state waste number.

Env-Wm 507.03(a)(1)b, d. require that all containers used for the storage of hazardous waste be marked with the words “hazardous waste” and with the EPA or state waste number.

DES requests that Lewis and Saunders ensure that all containers used for the storage of hazardous waste be marked with the words “hazardous waste” and the EPA or state waste number at the time they are first used to store hazardous waste

Env-Wm 507.03(a)(2) – Marking

At the time of the inspection, the one (1) 10-gallon container of “Hach D004, Waste Arsenic Containing Material” did not have a label that was visible.

Env-Wm 507.03 (a)(2) requires that all containers used for the storage of hazardous waste have labels that are not hidden by walls or other containers.

DES requests that Lewis and Saunders ensure that all containers used for the storage of hazardous waste have labels that are accessible for viewing.

8. Env-Wm 509.02 (a)(2) – Personnel Training

A review of Lewis and Saunders' personnel training program revealed that some employees responsible for the management of hazardous waste have not received hazardous waste training appropriate for the duties assigned. Specifically, primary emergency coordinators Mike Haley and Bill Plourde, and secondary emergency coordinator Tom Kingston had not received initial hazardous waste training, and spill response coordinator Richard Engle has not received annual hazardous waste management reviews during 2000 and 2001. Training records, provided to DES at the time of the inspection, failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02 (a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program, and that documents and records relating to personnel training be maintained at the facility. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste.

DES requests that Lewis and Saunders conduct and document hazardous waste training and annual reviews for all employees who handle hazardous waste, and maintain a written personnel training program which provides a description of the type and amount of introductory and continuing training that will be given to persons filling each hazardous waste related position. DES requests that Lewis and Saunders maintain, as part of the program, documents of hazardous waste job titles, job descriptions, and names of employees filling each position and correct any deficiencies as identified in the enclosed Hazardous Waste Generator RCRA Inspection Checklist. Please submit a copy of this personnel training program to the DES.

9. Env-Wm 509.02 (a)(4) – Preparedness and Prevention

At the time of the inspection, the Outdoor Storage Shed failed to have an internal/external communication system capable of providing immediate contact with facility personnel and local authorities (e.g., fire department).

Env-Wm 509.02(a)(4), which references 40 CFR 265 Subpart C, requires generators to have an internal communication system capable of providing immediate contact with facility personnel, and a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams. All required hazardous waste storage area equipment must be installed or available within 100 feet of the storage area.

DES requests that Lewis and Saunders maintain at the Outdoor Storage Shed, a communication system capable of providing immediate communication with facility personnel and local authorities.

10. Env-Wm 509.02(a)(5) - Contingency Plan

At the time of the inspection, the contingency plan maintained at the facility did not list the names, addresses and telephone numbers of all persons qualified to act as emergency coordinators required in 40 CFR 265.52(d).

Env-Wm 509.02(a)(5), which references 40 CFR 265 Subpart D, requires that full quantity generators maintain a complete contingency plan on site.

DES requests that Lewis and Saunders revise and update its contingency plan to contain a list of names, addresses and telephone numbers of all persons qualified to act as emergency coordinators and provide documentation (e.g. return receipts, copies of individual letters of transmittal) that the plan has been submitted to state and local emergency response teams. Please submit the revised contingency plan to DES.

11. Env-Wm 509.02 (a)(6) – Container Management

At the time of the inspection, Lewis and Saunders had stored flammables and oxidizers adjacent to each other on the cart in the Main Storage Area.

Env-Wm 509.02(a)(6), which references 40 CFR 265 Subpart I, requires that full quantity generators ensure that incompatible wastes be separated from other wastes by means of a dike, berm, wall or other device.

DES requests that Lewis and Saunders manage incompatible wastes to ensure that these wastes are separated or protected from other wastes by means of a dike, berm, wall or other device.

12. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, Lewis and Saunders did not have emergency postings at the nearest telephone to the Main Storage Area, the Outdoor Storage Shed, the Alcohol Storage Cage and the Fuel Oil Storage Vault.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers and information at the nearest telephone to the hazardous waste storage area:

- a) The emergency coordinators (home and office);
- b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team to provide emergency services whose number is posted; and
- c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requests that Lewis and Saunders post the required information at the nearest telephone to each hazardous waste storage area. Enclosed is a sample emergency posting for your reference.

13. Env-Wm 509.03(a) – Satellite Storage

At the time of the inspection, the Alcohol Storage Cage was being managed as a satellite storage area, although the area was not “at or near” the point of generation, and the Fuel Oil Storage Vault, also being managed as a satellite storage area, was not “at or near” the point of generation and was not “under the control of the operator”. In addition, the combined total of waste stored near the Marvel Machine Area was greater than 55 gallons.

Env-Wm 509.03 requires that all satellite storage areas be located at or near any point of generation where the wastes initially accumulate and be under the control of the operator of the process generating the waste. Env-Wm 509.03 allows full quantity generators to accumulate a maximum of 55 gallons of hazardous waste in containers at or near any point of generation where waste initially accumulates.

DES requests that Lewis and Saunders manage the above referenced storage areas as full hazardous waste storage area subject to the provisions of Env-Wm 509.02 so long as Lewis and Saunders decides to continue storing hazardous wastes in these areas. DES requests that Lewis and Saunders ensure that the total volume of hazardous waste at a satellite storage area not exceed 55 gallons.

14. Env-Wm 509.03(d) – Containers Closed in Satellite Storage Areas

At the time of the inspection, the one (1) 10-gallon container and the one (1) 2-quart container in the Bench Top pH Test Area, and the one (1) 55-gallon container in the Clean Room were not closed.

Env-Wm 509.03(d) requires that all containers used for the storage of hazardous waste be closed

DES requests that Lewis and Saunders keep all containers of hazardous waste closed at all times except to add or remove wastes.

15. Env-Wm 509.03(g) – Marking in Satellite Storage Areas

At the time of the inspection, the one (1) 2-quart container in the Bench Top pH Test Area and the one (1) 55-gallon container in the Clean Room were not marked with the words “Hazardous Waste” and the one (1) 2-quart container in the Bench Top pH Test Area was not marked with words to describe its contents. (See hazardous waste container inventory)

Env-Wm 509.03(g) requires that all containers used for the storage of hazardous waste be marked with the words “hazardous waste” and with words to describe its contents.

DES requests that Lewis and Saunders properly mark all containers of hazardous waste at the time they are first used to store waste with the words “hazardous waste” and with words to describe its contents.

16. Env-Wm 510.02(d)(2) – Distribution of Manifests

At the time of the inspection, Copy 7 of manifest #NHH0043487 had not been delivered to DES.

Env-Wm 510.02(d)(2) requires that generators ensure that manifests be properly distributed.

DES requests that Lewis and Saunders ensure that manifests used for transporting hazardous waste are properly distributed, including forwarding one copy of the manifest to DES within 5 days of shipment.

7. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil being Recycled

At the time of the inspection, one (1) 20-gallon container in the Fuel Oil Storage Vault, one (1) 55-gallon container in the Marvel Machine Area and one (1) 55-gallon container in the Furnace Braze were not marked with the words "Used Oil for Recycle".

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycle label used oil containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that Lewis and Saunders label all used oil containers and tanks destined for recycle with the words "Used Oil for Recycle".

18. Env-Wm 807.06(b)(5) -Standards for Generators of Used Oil being Recycled

At the time of the inspection, one (1) 55-gallon container of oily solids in the Main Storage Area and one (1) 55-gallon container of oily solids in the Oil Solids Area were not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove used oil.

DES requests that all used oil containers and tanks be kept closed at all times except to add or remove used oil. Safety funnels that thread into the bung and have closeable lids that seal are acceptable for this purpose.

19. Env-Wm 807.06(b)(7) Standards for Generators of Used Oil being Recycled

At the time of the inspection, proper used oil determinations had not been conducted for the "Used Cutting Oil" in the Syntilo coolant Area, the used oil from the Marvel Machine Area, the Furnace Braze Area and the Used Oil Tank Room.

Env-Wm 807.06(b)(7) requires that all generators conduct initial used oil determinations for parameters specified in Env-Wm 807.02 and 807.03, which includes arsenic, cadmium, lead, flash point and total halogens. The initial used oil profile does not have to test for PCB's if no source of PCB's is present.

DES requests that Lewis and Saunders conduct an initial used oil determination for the "Used Cutting Oil" in the Syntilo coolant Area, the used oil from the Marvel Machine Area, the Furnace Braze Area and the Used Oil Tank Room using parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. Lewis and Saunders will need to provide the results of the used oil determinations to DES.

*DES acknowledges receipt of the results of the used oil determinations. No further action is required.*

20. Env-Wm 1112.04 – Requirements for Generators of Universal Waste

At the time of the inspection, six (6) boxes containing used fluorescent bulbs did not have labels describing the contents as either "Universal Waste-Lamps", "Waste Lamps" or "Used Lamps".

Env-Wm 1112.04 requires generators of universal waste to clearly label or mark each container(s) holding universal waste lamps with the one, two or all of the following: "Universal Waste-Lamps", "Waste Lamps" or "Used Lamps".

DES requests that Lewis and Saunders properly label each container(s) holding universal waste lamps.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Lewis and Saunders can be submitted within thirty (30) days of receipt of this letter. Supporting documentation describing the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Lewis and Saunders, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of your facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed please find a completed copy of the Hazardous Waste Generator RCRA Inspection Checklist to assist you in assessing the noted violations. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.




The State of New Hampshire Hazardous Waste Rules, as well as much other useful information can be obtained from DES's website at <http://www.des.state.nh.us/hwcs> or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline, which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Nancy Phillips, Waste Management Specialist, or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions on water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-2457; and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

  
Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

cc: DB/RCRA/LOD/Archive  
Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, DES Administrator, Legal Unit  
Kirk Beswick, Maintenance Supervisor

E mail: JJD, SD/WD, PM/ARD, SD/CO

Enclosure:

- 1) Container Inventory
- 2) Hazardous Waste Generator RCRA Inspection Checklist
- 3) Sample Emergency Posting